

**From:** [Chris Wenczel](#)  
**To:** [Vazquez, Julio](#)  
**Cc:** [Mannino, Pietro](#); [Ernie Rossano](#); ["Alexandra Stark"](#); [Phil Coop](#); [Suzanne Avena](#); [John Martin](#); [Phillip Landrigan](#); [Kivowitz, Sharon](#); [Kevin Maldonado](#)  
**Subject:** RE: New Cassel - Request For Pre-Design Investigation Scope Modification Meeting  
**Date:** Monday, May 17, 2021 3:44:18 PM  
**Attachments:** [image001.png](#)  
[Site No. NY0001095363 \(New Cassel\) June 3 EPA Meeting Request.pdf](#)

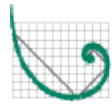
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Please use this version for the Administrative Record as the sentence regarding whom will issue a meeting invite was incomplete.

Thank you,

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**Chris W. Wenczel, P.G. | Consultant Director / Hydrogeologist | ERM**  
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Tel: +1 (631) 756-8920 | Main: +1 (631) 756-8900 | Cell +1 (516) 315-8221  
[chris.wenczel@erm.com](mailto:chris.wenczel@erm.com)



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**From:** Chris Wenczel  
**Sent:** Monday, May 17, 2021 2:47 PM  
**To:** Vazquez, Julio <Vazquez.Julio@epa.gov>  
**Cc:** Mannino, Pietro <Mannino.Pietro@epa.gov>; Ernie Rossano <Ernie.Rossano@erm.com>; 'Alexandra Stark' <astark@ensafe.com>; Phil Coop <pcoop@ensafe.com>; Suzanne Avena <savena@garfunkelwild.com>; John Martin <jmartin@garfunkelwild.com>; Phillip Landrigan <plandrigan@cjl-law.com>; Kivowitz, Sharon <Kivowitz.Sharon@epa.gov>; Kevin Maldonado <kevinmaldonado64@yahoo.com>  
**Subject:** New Cassel - Request For Pre-Design Investigation Scope Modification Meeting

Reference: CERCLA Site No.: NY0001095363

Subject: Administrative Order for a Remedial Design Index No. CERCLA-02- 2018-2015  
New Cassel/Hicksville Groundwater Contamination Superfund Site, Operable Unit-  
1  
Request For Pre-Design Investigation Scope Modification Meeting

Dear Mr. Vazquez:

Pursuant to Ms. Kivowitz's email of 14 May 2021, the attached letter requests a meeting to discuss revisions to the Scope of Work outlined in Table 3 of the Operable Unit 1 Pre-Design Work Plan for the Central and Eastern Plume Groups.

Thank you in advance for your consideration.

If you should you have any questions, please do not hesitate to call me at (631) 756-8920.

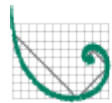
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**From:** Kivowitz, Sharon <[Kivowitz.Sharon@epa.gov](mailto:Kivowitz.Sharon@epa.gov)>

**Sent:** Friday, May 14, 2021 1:51 PM

**To:** Kevin Maldonado <[kevinmaldonado64@yahoo.com](mailto:kevinmaldonado64@yahoo.com)>

**Cc:** Vazquez, Julio <[Vazquez.Julio@epa.gov](mailto:Vazquez.Julio@epa.gov)>; Mannino, Pietro <[Mannino.Pietro@epa.gov](mailto:Mannino.Pietro@epa.gov)>; Ernie Rossano <[Ernie.Rossano@erm.com](mailto:Ernie.Rossano@erm.com)>; Chris Wenczel <[Chris.Wenczel@erm.com](mailto:Chris.Wenczel@erm.com)>; 'Alexandra Stark' <[astark@ensafe.com](mailto:astark@ensafe.com)>; Phil Coop <[pcoop@ensafe.com](mailto:pcoop@ensafe.com)>; Suzanne Avena <[savena@garfunkelwild.com](mailto:savena@garfunkelwild.com)>; John Martin <[jmartin@garfunkelwild.com](mailto:jmartin@garfunkelwild.com)>; Phillip Landrigan <[plandrigan@cll-law.com](mailto:plandrigan@cll-law.com)>

**Subject:** RE: Extension

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I am writing in response to Kevin Maldonado's May 12, 2021 request for an extension until June 3<sup>rd</sup> to submit revised deliverables. In Julio Vazquez's May 6, 2021 email to Ernie Rossano, he informed the Respondents to the administrative order in the eastern and central plume groups ("plume groups") that if they intended to seek revisions to Table 3 of the PDI Workplan they must request a meeting to be held by the end of May or in early June. To date, no such meeting has been requested yet you once again request an extension, this time until June 3<sup>rd</sup>, to submit "the materials." It is unclear what "materials" you intend to submit on June 3<sup>rd</sup>. Will you be submitting the revised deliverables reflecting the wells identified in Table 3 of the PDI Workplan? Or will you be submitting materials that request changes to the number and locations of wells listed in Table 3? If it is the former, and you are agreeing to perform the work as currently set forth in Table 3, then we will grant the extension until June 3<sup>rd</sup>. If it is the latter, and you intend to first submit proposed changes to Table 3 by June 3<sup>rd</sup>, then the request for an extension is denied.

The plume groups were informed in my January 20, 2021 email that EPA was willing to

discuss revisions to Table 3 and that such discussions could occur on a parallel track but that the required deliverables would need to be timely submitted. EPA had expected that these discussions would have occurred during the months prior to the submission date of the deliverables so that the deliverables would reflect any agreements we might have reached regarding Table 3. However, the plume groups never reached out to EPA to initiate such discussions nor requested any specific changes to be made to Table 3. Instead, your clients submitted incomplete deliverables with "TBD" included as a placeholder for wells to be drilled. As Julio Vazquez stated in his May 6<sup>th</sup> email, it was incumbent on the plume groups to timely request changes to Table 3. EPA drafted Table 3 and believes the location and number of wells identified on that Table are what is required to move this project forward. It is the plume groups that are seeking changes.

If you are seeking changes to Table 3, Mr. Rossano must contact Julio Vazquez by no later than Monday, May 17, 2021, to set up a time for all of the parties to meet. The meeting must be held by no later than June 4, 2021. The parties should be prepared to fully discuss their proposals for revisions to Table 3 at that meeting. Any written justifications you intend to submit regarding revisions to Table 3 must be submitted to Julio by no later than May 21, 2021. EPA will not accept written submissions after that date. Your submissions and presentations at the meeting should relate specifically and only to the number and location of wells to be drilled to complete PDI Directive 2. We will not revisit the issues that were addressed in Pat Evangelista's September 2, 2020 letter in response to your clients' various submittals to then Regional Administrator Lopez.

Please note that EPA acknowledges, but does not accept or approve of, the delay caused by the plume groups' failure to submit timely and complete deliverables as a result of the failure to request changes to Table 3 in a timely manner. EPA is not implicitly condoning this delay and reserves its right to take any appropriate action in the future as it relates to this delay.

If you have any questions, please call me.

Sharon

Sharon E. Kivowitz  
Assistant Regional Counsel  
New York/Caribbean Superfund Branch  
Office of Regional Counsel  
US Environmental Protection Agency, Region 2  
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New York, NY 10706  
212-637-3183  
[Kivowitz.sharon@epa.gov](mailto:Kivowitz.sharon@epa.gov)

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**From:** Kevin Maldonado <[kevinmaldonado64@yahoo.com](mailto:kevinmaldonado64@yahoo.com)>

**Sent:** Wednesday, May 12, 2021 5:06 PM

**To:** Kivowitz, Sharon <[Kivowitz.Sharon@epa.gov](mailto:Kivowitz.Sharon@epa.gov)>

**Cc:** Vazquez, Julio <[Vazquez.Julio@epa.gov](mailto:Vazquez.Julio@epa.gov)>; Mannino, Pietro <[Mannino.Pietro@epa.gov](mailto:Mannino.Pietro@epa.gov)>; Ernie Rossano <[ernie.rossano@erm.com](mailto:ernie.rossano@erm.com)>; Chris Wenczel <[chris.wenczel@erm.com](mailto:chris.wenczel@erm.com)>; 'Alexandra Stark' <[astark@ensafe.com](mailto:astark@ensafe.com)>; Phil Coop <[pcoop@ensafe.com](mailto:pcoop@ensafe.com)>; Suzanne Avena <[savena@garfunkelwild.com](mailto:savena@garfunkelwild.com)>; John Martin <[jmartin@garfunkelwild.com](mailto:jmartin@garfunkelwild.com)>; Phillip Landrigan <[plandrigan@cll-law.com](mailto:plandrigan@cll-law.com)>

**Subject:** Extension

Sharon:

I am writing to request a two week extension of the May 20, 2021 deadline set forth in the May 6, 2021 email sent to us by Julio. We are working diligently to satisfy your request and will be able to submit the requested material by June 3, 2021. Thank you for your consideration of this request. Thanks, Kevin.

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